



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:	:	
Harry R. Davis et al.	:	Examiner: Mojdeh Bahar
	:	
Serial No.: 10/057,629	:	Group Art Unit: 1617
	:	
Filed: January 25, 2002	:	Atty. Docket No.: CV01382K
	:	
For: Use of Substituted Azetidinone	:	
Compounds for the Treatment	:	
Of Sitosterolemia	:	

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL RESPONSE TO ELECTION OF SPECIES

This is in response to the Office Action mailed on October 21, 2003, in the above-identified patent application.

In Applicants' Response to Restriction Requirement and Election of Species of August 1, 2003, Applicants provisionally elected with traverse the claims of Group 1 (claims 1-24, 32-45 and 48-56) for initial examination in this application.

Applicants provisionally elected with traverse (1) cholestyramine as the lipid-lowering agent; (2) the compound of Formula (VIII) (ezetimibe); and (3) simvastatin as the third therapeutic agent, for initial examination in this application.

The Examiner requested that Applicants review the list of claims readable thereon. Applicants wish to thank the Examiner for pointing out that claims 10 and 11 also read on the elected species.


Elected claims readable on the elected species include claims 1, 8-11, 13-24, 32-45 and 48-56. Applicants' attorney respectfully requests that the Examiner telephone the undersigned if any further issues are identified by the Examiner relating to the claims readable on the elected species.

Examination on the merits for the pending claims is respectfully requested.

Respectfully submitted,

ANN MARIE CANNONI
Registration No. 35,972
Attorney for Applicant

Date: November 18, 2003



SCHERING CORPORATION
Patent Department, K-6-1-1990
2000 Galloping Hill Rd.
Kenilworth, NJ 07033-0530
Telephone: (908) 298-5024
Facsimile No.: (908) 298-5388



Image

1617

PTO/SB/21 (03-03)

Approved for use through 04/30/2003. OMB 0651-0031

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/057,629
Filing Date	01/25/2002
First Named Inventor	Harry R. Davis, et al.
Art Unit	1617
Examiner Name	Mojdeh Bahar
Attorney Docket Number	CV01382K

Total Number of Pages in This Submission

4

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below): Certificate of Mailing PTO/SB92 - 1 Page Post Card
<div>Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	Ann Marie Cannoni, Reg. No. 35,972
Signature	
Date	11/18/03

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Application No.: 10/057,629

Filing Date: 01/25/2002

Applicant: Harry R. Davis et al..

Title: Use of Substituted Azetidinone Compounds for the Treatment of Sitosterolemia

Certificate of Mailing under 37 CFR 1.8

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Documents enclosed:

Response Transmittal PTO/SB/21 - 1 Page

Supplemental Response to Election of Species - 2 Pages

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